

## SECTION X – CORRESPONDENCE

# **GPI** Greenman - Pedersen, Inc.

Engineers, Architects, Planners, Construction Engineers & Inspectors

January 2, 2003

Environmental Permits  
Carol Farkas  
NYSDEC  
SUNY @ Stony Brook Building 40  
Stony Brook, NY 11790

RE: Smith Point County Park  
Appl. # 1-4722-01342/00029  
**GPI** Project No. 2002303

---

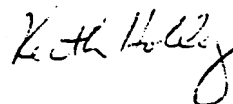
Dear Ms. Farkas:

As per letter dated December 6, 2002, attached is signed agreement for Greenman-Pedersen, Inc. to act on behalf of Suffolk County in obtaining any and all permits for work at Smith Point County Park.

Thank you for your cooperation in this matter.

Sincerely,

**GPI** / GREENMAN-PEDERSEN, INC.



Keith Holley  
Environmental Scientist

cc: File

C:\FT\NT\Profiles\holley.k\Personal\FarkasJan22002.doc

# COUNTY OF SUFFOLK



ROBERT J. GAFFNEY  
SUFFOLK COUNTY EXECUTIVE

## DEPARTMENT OF PUBLIC WORKS

RICHARD J. LAVALLE, P.E.  
CHIEF DEPUTY COMMISSIONER

CHARLES J. BARTHA, P.E.  
COMMISSIONER

LESLIE A. MITCHEL  
DEPUTY COMMISSIONER

December 24, 2002

### FAX & MAIL

Greenman-Pedersen, Inc.  
325 West Main Street  
Babylon, NY 11702

Attention: Bill Zimnski

RE: C.P.# 7162 – Improvements to Smith Point County Park  
Permits

Dear Mr. Zimnski:

This confirms our verbal authorization to act on behalf of Suffolk County in obtaining any all permits necessary for master plan work at Smith Point County Park.

Very truly yours,

Thomas LaGuardia, P.E.  
Chief Engineer

TL:vma

cc: Tedd Godek, R.A., County Architect  
Steve Astuto, R.A., Architect

**New York State Department of Environmental Conservation**  
**Division of Environmental Permits**  
STONY BROOK REGIONAL OFFICE  
SUNY @ STONY BROOK BUILDING 40  
STONY BROOK NY 11790  
(631) 444-0365



January 21, 2003

**Request for Additional Information**

RE: DEC ID# 1-4722-01342/00029  
SMITH POINT COUNTY PARK

SUFFOLK COUNTY  
H LEE DENNISON BLDG  
HAUPPAUGE, NY 11788

Dear Applicant:

On 1/17/03 your application was determined to be complete. However, subsequent technical review of your application shows the following information is required to make findings and determinations required by the Environmental Conservation Law:

The New York State Department of Environmental Conservation technical staff has reviewed your proposal to construct a multi-purpose pier on Narrow Bay and I have the following comments:

The Department objects to the project as proposed. The Department recommends that the proposed structure be relocated to the west-northwest to minimize impacts to eel grass beds (see attached plan for location). In addition, be sure to show water depths in revised location of pier. If you have any questions regarding this review, please contact Chris Arfsten at 631-444-0295. Upon receipt of revised plans/cross section which clearly reflect our recommendations, the review process will continue.

Pursuant to 6NYCRR621.15(b) this information must be provided by 2/21/03. Failure to provide this information by the date specified in this request may be grounds for denial of your application.

If you have questions or need more time to provide this information, please contact me at the address above.

Sincerely,

A handwritten signature in cursive script, reading "Carol M. Farkas", is located at the bottom right of the letter.





DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

January 7, 2003

REPLY TO  
ATTENTION OF

Eastern Permits Section

SUBJECT: Application No. 2002-01423-L6 by Suffolk County Dept. of  
Parks, Recreation and Conservation (Smith Point Pier)

Suffolk County Dept. of Parks  
Recreation and Conservation  
c/o Robert Grover  
325 W Main St  
Babylon, New York 11702-3432

Dear Mr. Grover

We have received your application for Department of the Army authorization to construct a pier. The site is in Narrow Bay, Moriches Bay at Shirley, Town of Brookhaven, Suffolk County, New York. After a review of the material submitted, we have determined that the proposed project does not meet requirements for authorization under the Nationwide Permit Program. Therefore, an individual permit will be required.

Before processing of your application may proceed, please provide the following:

1. Provide a vicinity map, indicating longitude and latitude of the proposed site.

- 2 A completed Environmental Questionnaire (copy enclosed).

3. A Special Use Permit issued by the Fire Island National Seashore (FINS), National Park Service, U.S. Department of the Interior may be required for this project. You should contact FINS as soon as possible to determine their requirement. National Park Service, FINS may be contacted at 120 Laurel Street, Patchogue, New York 11772.


4. Project drawings on letter size paper (both plan view and cross-section) that indicate the location of the mean high and mean low water lines.

5. As the project will take place in an area designated as Essential Fish Habitat (EFH), and Habitat Area of Particular Concern (HAPC) an EFH Assessment is required. The requirement for an EFH Assessment is in accordance with 50 CFR Part 660.920 implementing the Magnuson-Stevens Fishery Conservation and Management Act of 1996 (Public Law 104-267). In accordance with 50 CFR Part 660.920 (c), you must prepare an EFH Assessment that addresses concerns related to use of this region by designated

species. The species and lifestages of concern are indicated on the enclosed chart. The assessment must contain 1) a description of the proposed action, 2) an analysis of the effects, including cumulative effects, of the proposed action on EFH, the managed species such as major prey species, including life history stages, and 3) proposed mitigation, if needed. Other information such as the results of on-site inspections to evaluate the habitat, the site specific effects of the project, the views of experts, a literature review and an analysis of project alternatives should be included. I have attached an EFH Assessment Worksheet to aid you in developing the required EFH Assessment.

As soon as you provide the above requested information, we will resume processing of your application. If you have any questions, please contact Ms. Mary Ann Miller of my staff at (212) 264-6730.

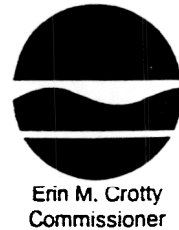
Sincerely,

  
for Marc Helman  
Acting Chief,  
Eastern Permits Section

Enclosures:

- 1) Environmental Questionnaire
- 2) EFH-designated species
- 3) EFH Assessment Worksheet

**New York State Department of Environmental Conservation**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, Albany, New York 12233-4757  
Phone: (518) 402-8935 • FAX: (518) 402-8925  
Website: [www.dec.state.ny.us](http://www.dec.state.ny.us)



July 7, 2004

Keith Holley  
Greenman Pedersen, Inc  
325 West Main St  
Babylon, NY 11702

Dear Mr. Holley:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to an Environmental Assessment for the proposed Smith Point County Park Multiuse Pier, Proj. 2002 303, area as indicated on the map you provided, located in the Town of Shirley, Suffolk County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

This project location is within, or adjacent to, a designated Significant Coastal Fish and Wildlife Habitat. This habitat is part of New York State's Coastal Management Program (CMP), which is administered by the NYS Department of State (DOS). Projects which may impact the habitat are reviewed by DOS for consistency with the CMP. For more information regarding this designated habitat and applicable consistency review requirements, please contact:

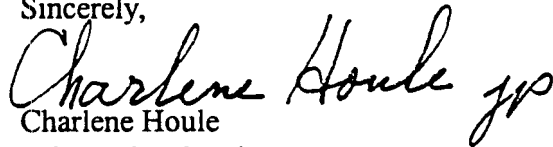
Jeff Zappieri or Vance Barr      - (518) 474-6000  
NYS Department of State  
Division of Coastal Resources and Waterfront Revitalization  
41 State Street, Albany, NY 12231

The presence of rare species may result in your project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should NOT be substituted for on-site surveys that may be required for environmental impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Houle" followed by a stylized "jhp" monogram.

Charlene Houle  
Information Services  
NY Natural Heritage Program

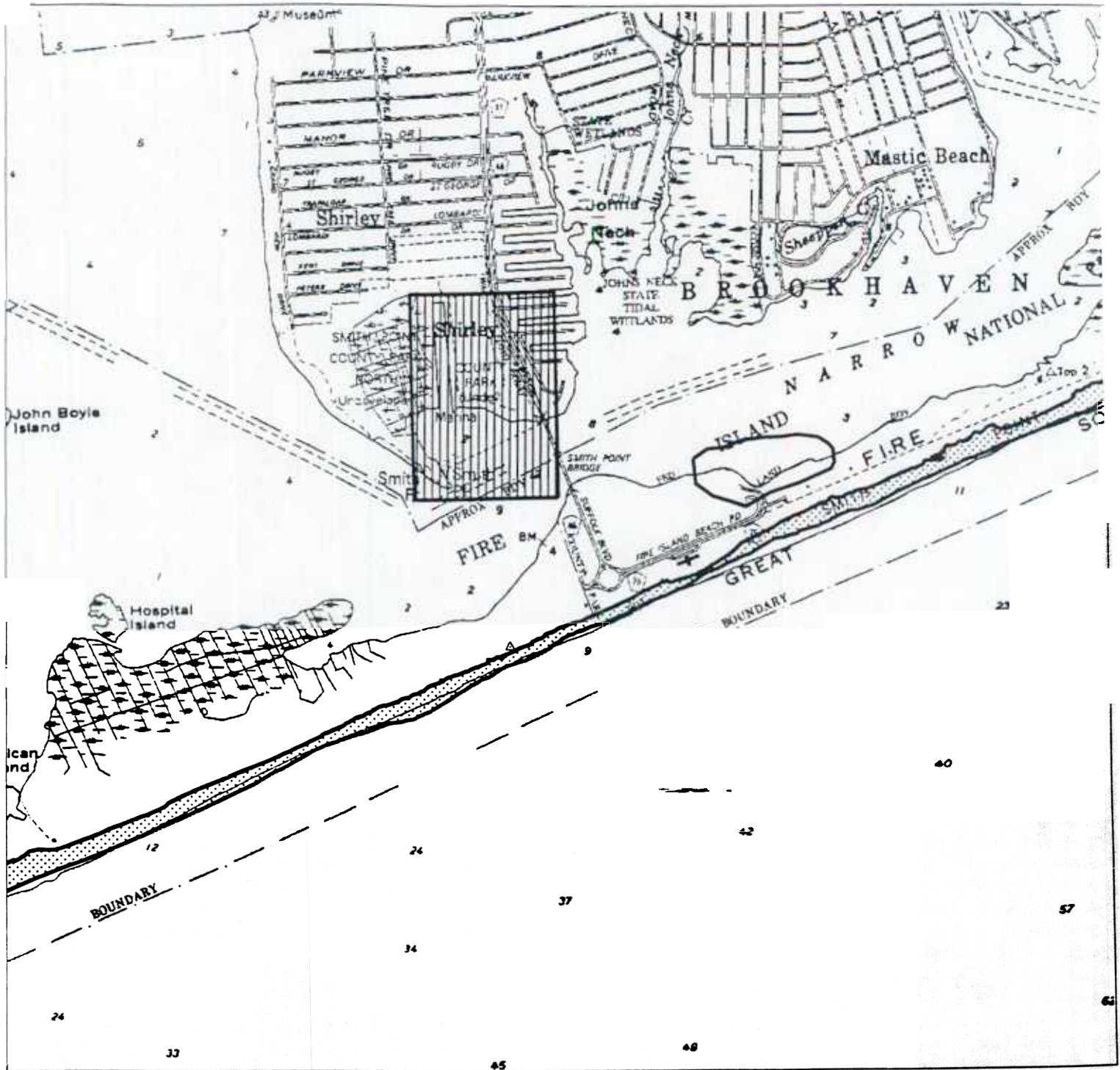
Encs

cc: Reg. 1, Wildlife Mgr.  
Reg. 1, Fisheries Mgr.  
Peter Nye, Endangered Species Unit, Albany

# Natural Heritage Map of Rare Species and Ecological Communities



Prepared July 1, 2004 by the NY Natural Heritage Program, NYS DEC, Albany, NY



Map Overview

Project boundary  
New York Natural Heritage Program Database Records

- Animal
- Community
- Animal Concentration Area
- Plant



Scale: 1:24,000

0.5 0 0.5 Miles

\*The locations that are displayed are considered sensitive and cannot be released to the public without permission. We do not provide map locations for all records. Please see report for details.

# Natural Heritage Report on Rare Species and Ecological Communities



Prepared 1 July 2004 by NY Natural Heritage Program, NYS DEC, Albany, New York

This report contains SENSITIVE information that should be treated in a sensitive manner -- Please see cover letter. Refer to the Users' Guide for explanations of codes, ranks, and fields. We do not always provide maps of locations of species most vulnerable to disturbance, nor of some records whose locations and/or extents are not precisely known or are too large to display.

						Page
* County						
** Town						
Scientific Name, COMMON NAME, & Group Name	NY Legal Status, Heritage Ranks, & Federal Status	EO Rank & Last Seen	Detailed Location	General Habitat and Quality	Office Use	
* NY STATE WATERS, SUFFOLK						
** BABYLON, NY STATE WATERS, BROOKHAVEN, ISLIP						
MARITIME BEACH Community	UNPROTECTED G5 S5	AB 2001-09-28	FIRE ISLAND The beach along the south shore of Fire Island from Democrat Point east to Moriches Inlet. Access to Fire Island is via Robert Moses Causeway or William Floyd Parkway or by ferry.	A large sandy maritime beach along the south shore of a barrier island. The maritime beach extends 32 miles along the south shore of Fire Island from Democrat Point east to Moriches Inlet. The maritime beach grades into marine intertidal gravel/sand beach community. A 32 mile long maritime beach along the south shore of Fire Island, 7 miles of which is designated as Federal Wilderness Area where driving is not allowed for most of the year. Natural processes are affected by stabilization and nourishment in some areas.	4007363	
* SUFFOLK						
** BROOKHAVEN						
<i>Sterna antillarum</i> LEAST TERN Bird	THREATENED G4 S3B (PS:LE)		SMITH POINT SHIRLEY Shirley (Smith Point) from the junction of Route 27 and William Floyd Parkway, follow parkway 5 mi south to John O'Hara drive, west on John O'Hara drive to dirt entrance road to marina. Colony between the road and parkway. The birds nest on the berm.	For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.	4007267 S ESU	

## Significant Habitats

DATE 1/2004

## REPORT

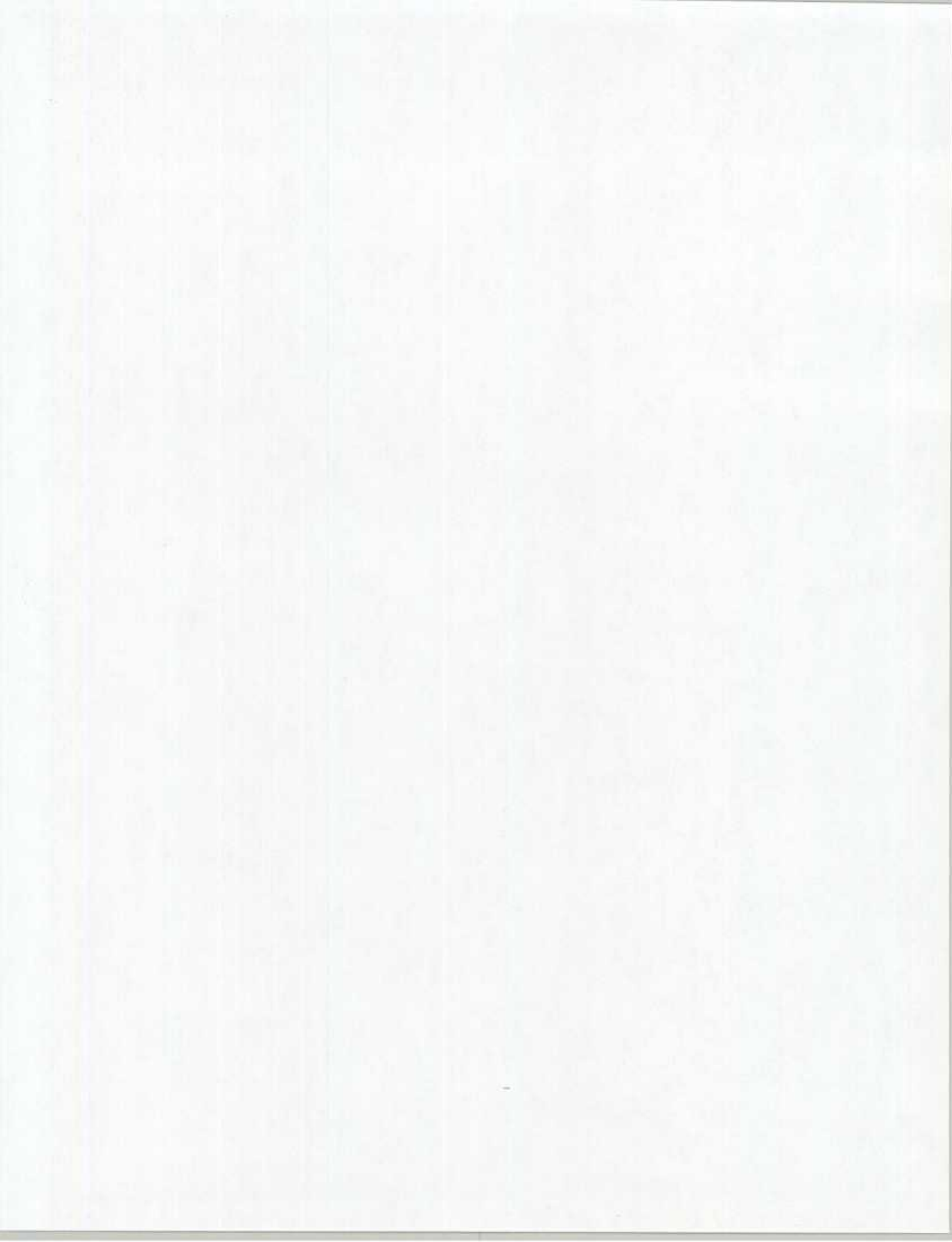
LOCALITY	NAME OF AREA	TYPE OF AREA	COUNT	TOWN OR CITY	QUADRANGLE
	South Bay	Protected Coastal Bay	Suffolk	Brookhaven	Point
52-502	Moriches Bay	Protected Coastal Bay		Brookhaven	Pattersonsquash

# DIVISION OF ENVIRONMENTAL PERMITS

June 2001

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk  Telephone: (631) 444-0365	John Pavacic NYS-DEC BLDG 40 SUNY at Stony Brook Stony Brook, NY 11790-2356
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island)  Telephone: (718) 482-4997	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester  Telephone: (845) 256-3054	Margaret Duke (Peg) NYS-DEC 21 South Putt Corners Road New Paltz, NY 12561-1696
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady  Telephone: (518) 357-2069	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014
4 (sub-office)	Delaware, Otsego & Schoharie  Telephone: (607) 652-7741	John Feltman NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503
5	Clinton, Essex, Franklin & Hamilton  Telephone: (518) 897-1234	Richard Wild NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296
5 (sub-office)	Fulton, Saratoga, Warren & Washington  Telephone: (518) 623-1281	Thomas Hall* NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220
6	Jefferson, Lewis & St. Lawrence  Telephone: (315) 785-2245	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787
6 (sub-office)	Herkimer & Oneida  Telephone: (315) 793-2555	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885





# USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, Albany, NY, 12233-4757 (518) 402-8935

**NATURAL HERITAGE PROGRAM:** The Natural Heritage Program is an ongoing, systematic, scientific inventory whose goal is to compile and maintain data on the rare plants and animals native to New York State, and significant ecological communities. The data provided in the report facilitate sound planning, conservation, and natural resource management and help to conserve the plants, animals and ecological communities that represent New York's natural heritage.

**DATA SENSITIVITY:** The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

**NATURAL HERITAGE REPORTS** (may contain any of the following types of data):

**COUNTY NAME:** County where the occurrence of a rare species or significant ecological community is located.

**TOWN NAME:** Town where the occurrence of a rare species or significant ecological community is located.

**USGS 7 1/2 TOPOGRAPHIC MAP:** Name of 7.5 minute US Geological Survey (USGS) quadrangle map (scale 1:24,000).

**SIZE (acres):** Approximate acres occupied by the rare species or significant ecological community at this location. A blank indicates unknown size.

**SCIENTIFIC NAME:** Scientific name of the occurrence of a rare species or significant ecological community.

**COMMON NAME:** Common name of the occurrence of a rare species or significant ecological community.

**ELEMENT TYPE:** Type of element (i.e. plant, animal, significant ecological community, other, etc.)

**LAST SEEN:** Year rare species or significant ecological community last observed extant at this location.

**EO RANK:** Comparative evaluation summarizing the quality, condition, viability and defensibility of this occurrence. Use with LAST SEEN.

A-E = Extant: A=excellent, B=good, C=fair, D=poor, E=extant but with insufficient data to assign a rank of A - D.

F = Failed to find. Did not locate species, but habitat is still there and further field work is justified.

H = Historical. Historical occurrence without any recent field information.

X = Extirpated. Field/other data indicates element/habitat is destroyed and the element no longer exists at this location.

? = Unknown.

Blank = Not assigned.

**NEW YORK STATE STATUS (animals):** Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

**E = Endangered Species:** any species which meet one of the following criteria:

1) Any native species in imminent danger of extirpation or extinction in New York.

2) Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11.

**T = Threatened Species:** any species which meet one of the following criteria:

1) Any native species likely to become an endangered species within the foreseeable future in NY.

2) Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11.

**SC = Special Concern Species:** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).

**P = Protected Wildlife** (defined in Environmental Conservation Law section 11-0103): wild game, protected wild birds, and endangered species of wildlife.

**U = Unprotected** (defined in Environmental Conservation Law section 11-0103): the species may be taken at any time without limit; however a license to take may be required.

**G = Game** (defined in Environmental Conservation Law section 11-0103): any of a variety of big game or small game species as stated in the Environmental Conservation Law; many normally have an open season for at least part of the year, and are protected at other times.

**NEW YORK STATE STATUS (plants):** The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

**E = Endangered Species:** listed species are those with:

1) 5 or fewer extant sites, or

2) fewer than 1,000 individuals, or

3) restricted to fewer than 4 U.S.G.S. 7 1/2 minute topographical maps, or

4) species listed as endangered by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

**T = Threatened:** listed species are those with:

1) 6 to fewer than 20 extant sites, or

2) 1,000 to fewer than 3,000 individuals, or

3) restricted to not less than 4 or more than 7 U.S.G.S. 7 and 1/2 minute topographical maps, or

4) listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11.

**R = Rare:** listed species have:

1) 20 to 35 extant sites, or

2) 3,000 to 5,000 individuals statewide.

**V = Exploitably vulnerable:** listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked.

= Unprotected; no state status.

continued on next page

## APPENDIX A- PERMITS AND MAP

DEC PERMIT NUMBER  
1-4722-01342/00029

FACILITY/PROGRAM NUMBER(S)

DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**PERMIT**  
Under the Environmental  
Conservation Law

EFFECTIVE DATE

April 10, 2003

EXPIRATION DATE(S)

April 10, 2013

TYPE OF PERMIT ☒ New ☐ Renewal ☐ Modification ☐ Permit to Construct ☐ Permit to Operate

☒ Article 15, Title 5: Protection of Waters

☐ Article 17, Titles 7, 8: SPDES

☐ Article 27, Title 9: 6NYCRR 373:  
Hazardous Waste Management

☐ Article 15, Title 15: Water Supply

☐ Article 19: Air Pollution Control

☐ Article 34: Coastal Erosion  
Management

☐ Article 15, Title 15: Water Transport

☐ Article 23, Title 27: Mined Land  
Reclamation

☐ Article 36: Floodplain Management

☐ Article 15, Title 15: Long Island Wells

☐ Article 24: Freshwater Wetlands

☐ Articles 1, 3, 17, 19, 27, 37; 6NYCRR  
380: Radiation Control

☐ Article 15, Title 27: Wild, Scenic and  
Recreational Rivers

☒ Article 25: Tidal Wetlands

☒ 6NYCRR 608: Water Quality Certifica-  
tion

☐ Article 27, Title 7; 6NYCRR 360:  
Solid Waste Management

PERMIT ISSUED TO

Suffolk County Department of Parks, Recreation and Conservation

TELEPHONE NUMBER

(631) 854-4949

ADDRESS OF PERMITTEE

Montauk Highway, West Sayville, NY 11796

CONTACT PERSON FOR PERMITTED WORK

Greenman & Pedersen Inc., 325 West Main Street, Babylon, NY 11702

TELEPHONE NUMBER

(631) 587-5060

NAME AND ADDRESS OF PROJECT/FACILITY

Smith Point County Park, Shirley

COUNTY

Suffolk

TOWN

Brookhaven

WATERCOURSE

Narrow Bay

NYTM COORDINATES

DESCRIPTION OF AUTHORIZED ACTIVITY:

Construct 143' x 12' pier. All work must be done in accordance with the attached plan prepared by  
Greenman & Pedersen Inc. on 4/13/02 and stamped NYSDEC approved on 4/10/03.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (see page 2 & 3) and any **Special Conditions** included as part of this permit.

PERMIT ADMINISTRATOR:

Roger Evans (CAF)

ADDRESS

Region 1 Headquarters, Bldg. #40, SUNY, Stony Brook, NY 11790-2356

AUTHORIZED SIGNATURE

*Roger Evans*

DATE

April 10, 2003

Page 1 of 4

## SPECIAL CONDITIONS

1. Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in tidal wetlands and or protected buffer areas.
2. The storage of construction equipment and materials shall be confined to existing parking area.
3. The use of wood treated with pentachlorophenol in the construction of structures that will be in contact with tidal waters is strictly prohibited.
4. No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.
5. No permanent structures may be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).
6. The storage, docking or other uses of this pier by boats is strictly prohibited

# ADDITIONAL GENERAL CONDITIONS FOR ARTICLES 15 (TITLE 5), 24, 25, 34 AND 6NYCRR PART 608

## ( TIDAL WETLANDS)

- 1 If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.
2. The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.
3. Granting of this permit does not relieve the applicant of the responsibility of obtaining any other permission, consent or approval from the U.S. Army Corps of Engineers, U.S. Coast Guard, New York State Office of General Services or local government which may be required.
4. All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.
- 5 Any material dredged in the conduct of the work herein permitted shall be removed evenly, without leaving large refuse piles, ridges across the bed of a waterway or floodplain or deep holes that may have a tendency to cause damage to navigable channels or to the banks of a waterway.
6. There shall be no unreasonable interference with navigation by the work herein authorized
7. If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.
8. If granted under 6NYCRR Part 608, the NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.
9. At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work and, if required, a survey.
10. All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or his agent as part of the permit application.

Such approved plans were prepared by Greenman & Pedersen Inc. 9/13/02.

DEC PERMIT NUMBER

1-4722-01342/00029

PAGE 3 OF 4

## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

## GENERAL CONDITIONS

### General Condition 1: Facility Inspection by the Department

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

### General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

### General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC Regional Permit Administrator, Region 1, SUNY Bldg #40, Stony Brook NY 11790-2356

### General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

DEC PERMIT NUMBER

1-4722-01342/00029

PAGE 4 OF 4



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

GEORGE E. PATAKI  
GOVERNOR

March 11, 2003

RANDY A. DANIELS  
SECRETARY OF STATE

Keith Holley  
GPI - Engineers/Architects/Planners  
325 West Main Street  
Babylon, NY 11702

Re: F-2002-1033  
U.S. Army Corps of Engineers/New York District Permit  
Application -Suffolk County Parks-Smith Point Park-Construct  
142' X 12' Multiuse Pier  
Narrow Bay, Town of Brookhaven, Suffolk County

General Concurrence

Dear Mr. Holley:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on October 31, 2002.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State is not required, nor is the Department's concurrence with an individual consistency certification for it.

When communicating with us regarding this matter, please contact William Feldhusen at (518) 474-4516 and refer to our file # F-2002-1033.

Sincerely,

Vance A. Barr  
Coastal Resource Specialist  
Consistency Review Unit

sm

c: COE/New York District -Marc Helman  
NYSDEC/Region 1- John Pavacic





Photo #3 - West side of site looking East

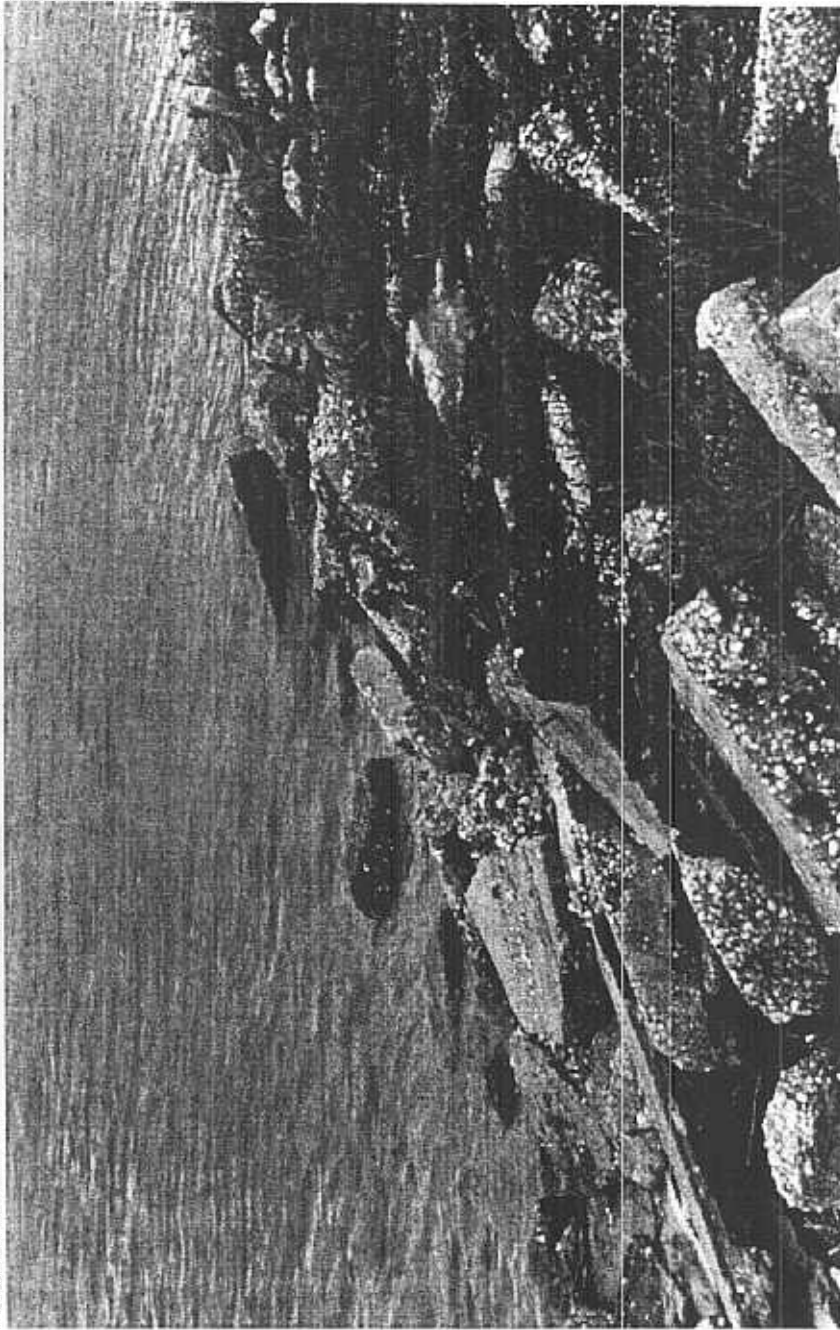
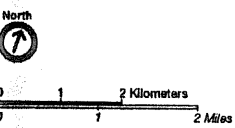
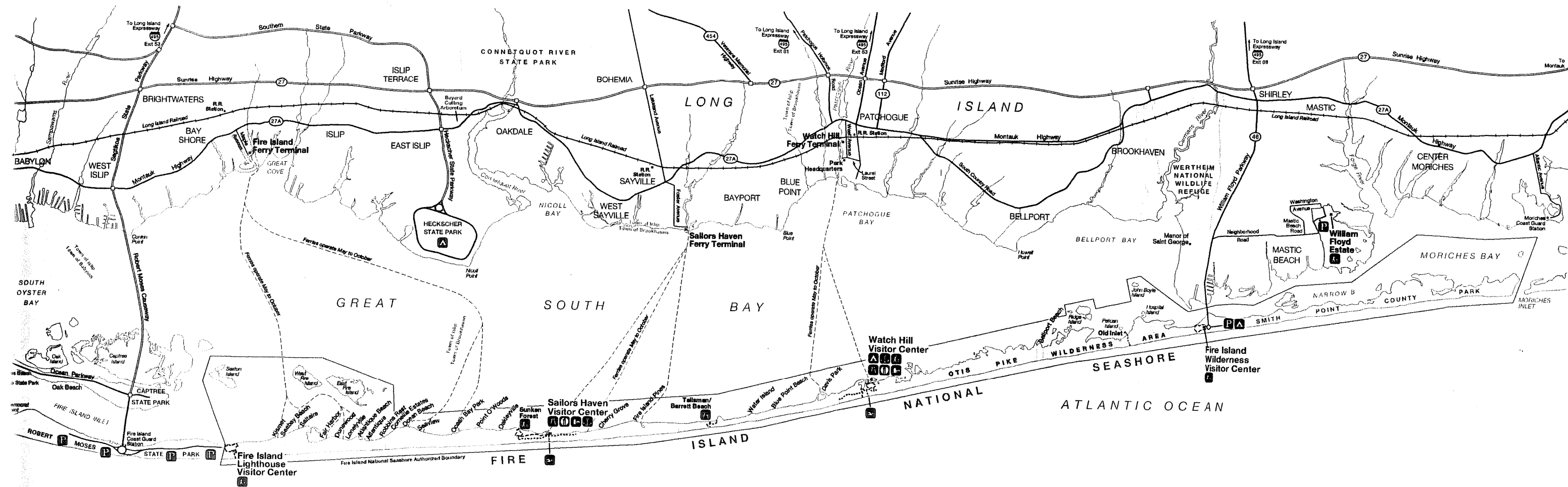


Photo #1 - Area of construction looking down from parking area.



Photo #2 - East side of site looking North



- |                               |                       |                              |                                      |                            |
|-------------------------------|-----------------------|------------------------------|--------------------------------------|----------------------------|
| Fire Island National Seashore | Lifeguarded swim area | <b>Aids to Navigation</b>    | Channel Buoy                         | <b>Storm Warning Flags</b> |
| Wilderness area               | Store                 | <b>Regulatory Markers</b>    | Port (left) buoy odd-numbered        | Small craft advisory       |
| Self-guiding nature trail     | Marina                | Danger                       | Starboard (right) buoy even-numbered | Gale warning               |
| Trail                         | Parking               | Boats keep out               | Diver's Flag                         | Storm                      |
|                               | Picnic area           | Area controlled as indicated | Diver in water                       | Hurricanes                 |
|                               | Campground            |                              |                                      |                            |



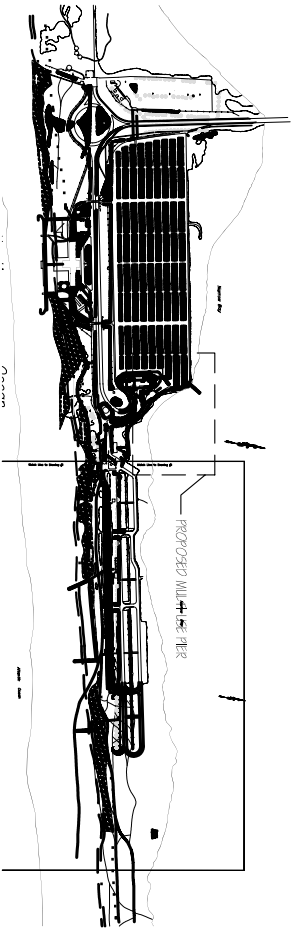
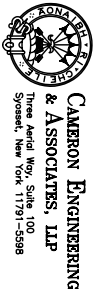
Suffolk County Department  
of Parks, Recreation & Conservation

Smith Point County Park  
Fire Island, Shirley

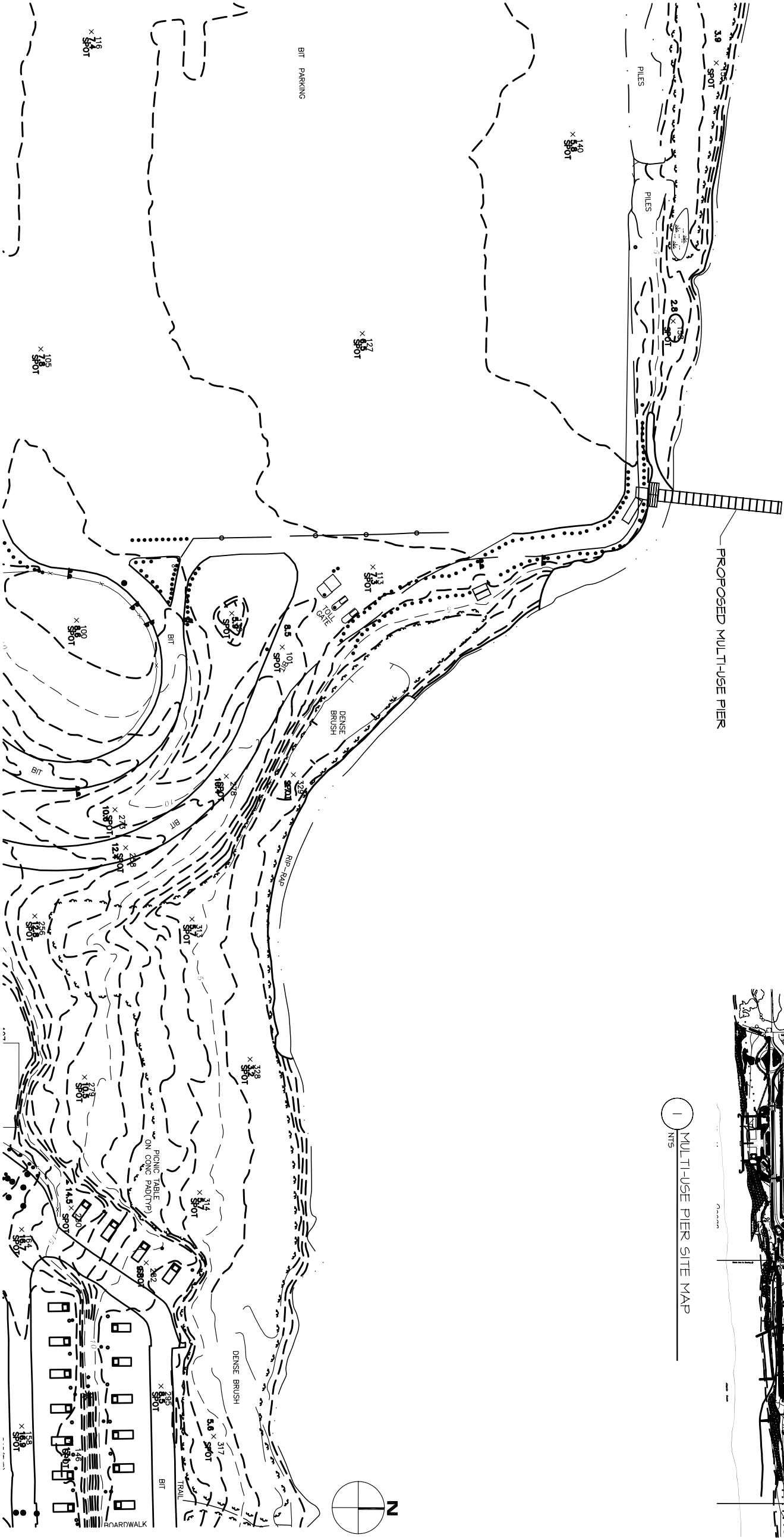


**Greenman-Pedersen, Inc.**  
Engineers, Architects, Planners  
Construction Engineers & Inspectors  
325 West Main Street, Babylon, NY 11702  
Tel: (631) 587-5060 Fax: (631) 422-3479

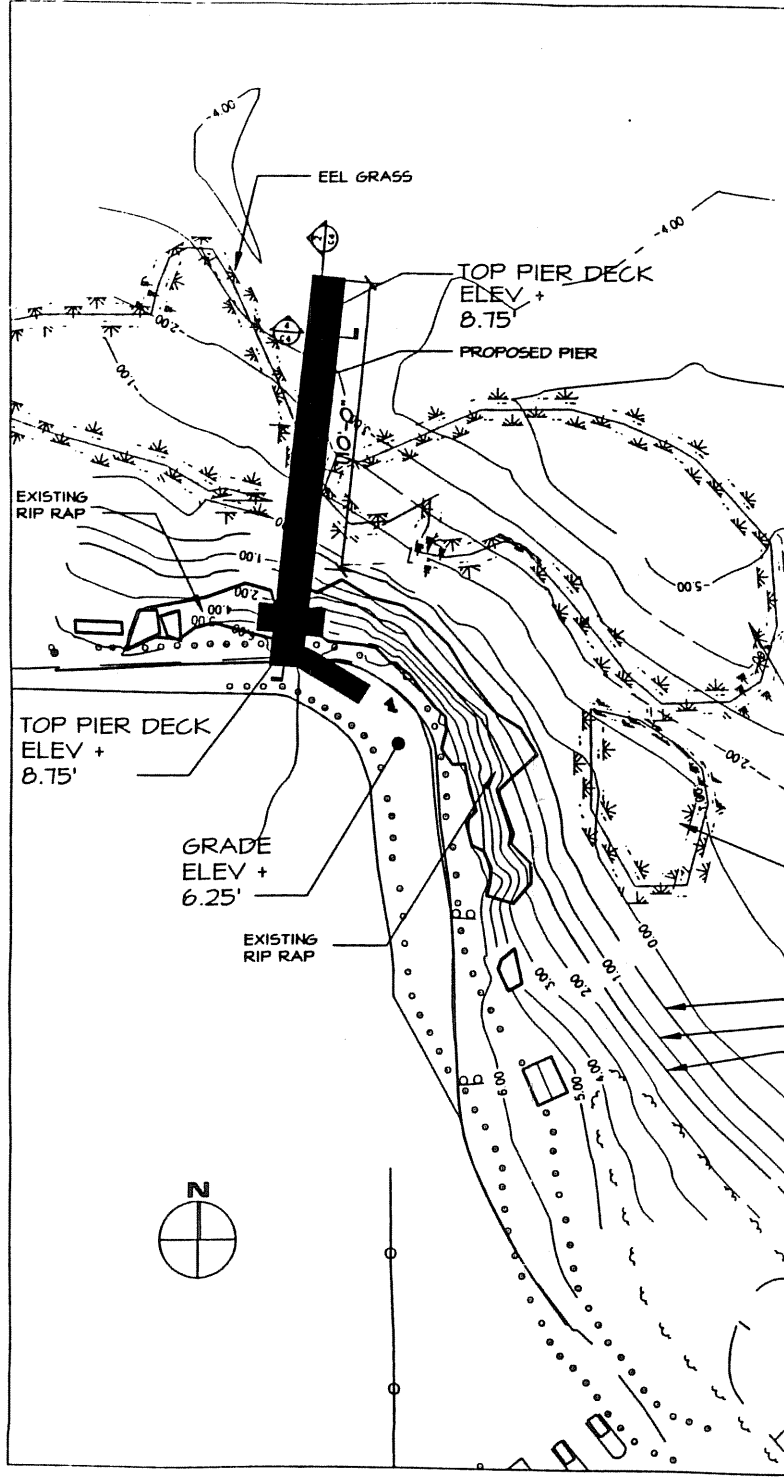
Consultants:



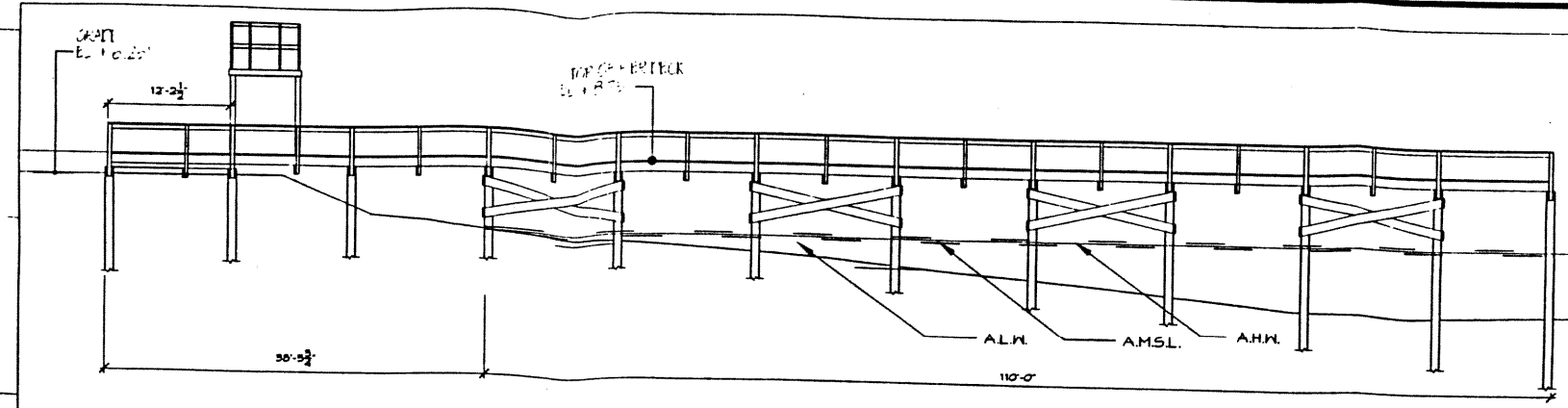
1 MULTI-USE PIER SITE MAP  
NTS



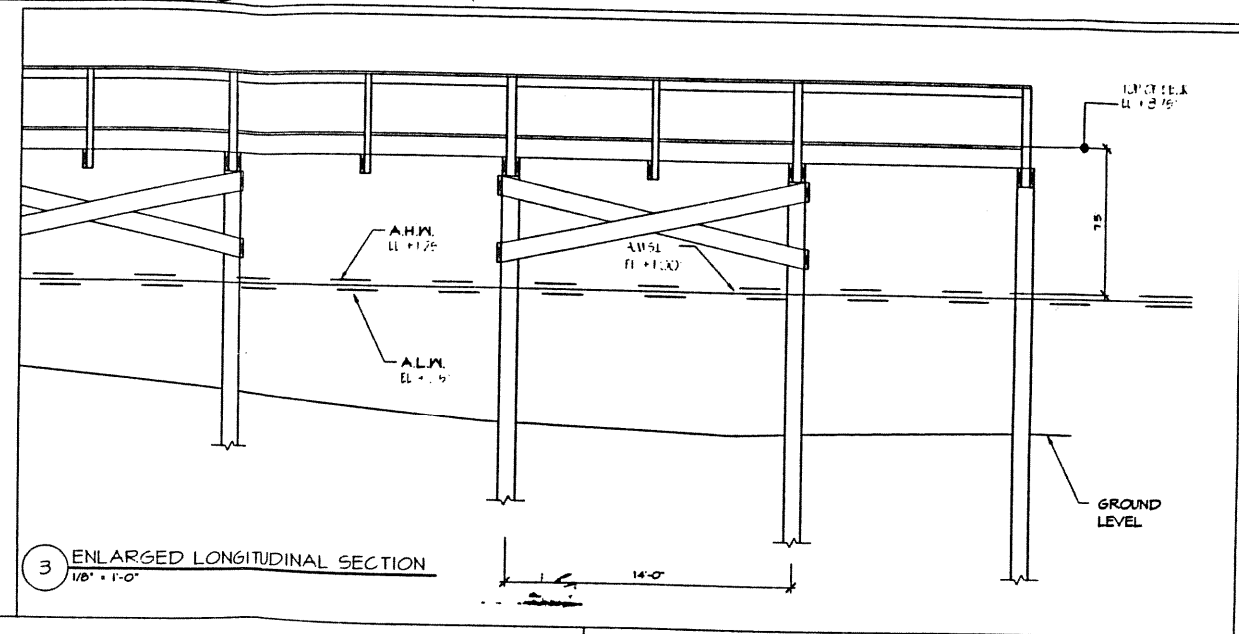
O:\2002\203\DEC\DEC-1\_recover.dwg, 02/03/2003 01:55:35 PM



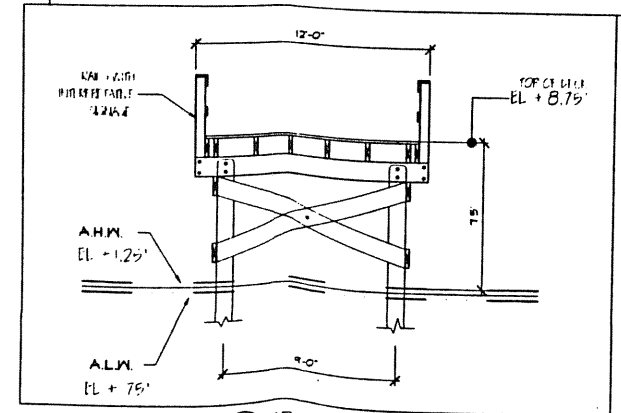
1 SITE PLAN  
1" = 60'-0"



2 LONGITUDINAL SECTION  
1/8" = 1'-0"



3 ENLARGED LONGITUDINAL SECTION  
1/8" = 1'-0"



4 CROSS SECTION  
1/8" = 1'-0"


TOPOGRAPHIC INFORMATION TAKEN IN NGVD 29 DATUM

NOTE:  
CONTOURS ARE IN FEET BASED UPON US DATUM  
A.M.S.L. - APPARENT MEAN SEA LEVEL  
A.H.W. - APPARENT HIGH WATER  
A.L.W. - APPARENT LOW WATER

Suffolk County Department  
of Parks, Recreation & Conservation  
Smith Point County Park  
Fire Island, Shirley

**GPI**  
Greenman-Pedersen, Inc.  
Engineers, Architects, Planners  
Construction Engineers & Inspectors  
325 West Main Street, Babylon, NY 11702  
Tel: (631) 587-5080 Fax: (631) 422-3478

Consultants:

 CAMERON ENGINEERING  
& ASSOCIATES, LLP  
Three Aerial Way, Suite 100  
Syosset, New York 11791-5588

4	1/26/01	PER DEC COMMENTS
3	1/14/02	PER DEC COMMENTS
2	8/14/02	PER DEC MEETING
1	7/29/02	DESIGN DEVELOPMENT
No	Date	Description
Issued/Revised		

MULTI USE PIER  
EELGRASS - SURVEY - DEC

Scale: AS NOTED - PRESENTED HALF SCALE  
Date: SEPTEMBER 13, 2002  
Project No: 2002303  
Drawing No: